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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,593	09/30/2005	Yuji Hiroshige	58666US005	5641

32692 7590 07/13/2007  
3M INNOVATIVE PROPERTIES COMPANY  
PO BOX 33427  
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EXAMINER
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THOMAS, JAISON P

ART UNIT	PAPER NUMBER
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1751

NOTIFICATION DATE	DELIVERY MODE
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07/13/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

## Office Action Summary

**Application No.**

10/551,593

**Applicant(s)**

HIROSHIGE ET AL.

**Examiner**

Jaison P. Thomas

**Art Unit**

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to amendments filed on 4/30/2007
2. Claims 7-26 are pending.
3. Claims 7-26 stand rejected under 35 USC 102(b) as being anticipated by Kojima et al. (US Patent 4654255).
4. Claims 7-26 stand rejected under 35 USC 103(a) as being unpatentable over Kojima et al. (US Patent 4654255).
5. The rejections of Claims 7-26 under 35 USC 103(a) as being unpatentable over Schmitt et al. (US Patent 5412035) in view of Rinde et al. (US Patent 5470622) are withdrawn in view of Applicant's arguments.

### ***Response to Arguments***

6. Applicant's arguments filed 4/30/2007 have been fully considered but they are not persuasive.

### **102 Rejections**

7. With respect to the 102 rejections over Kojima, Applicant argues that Kojima refers to the polymers in the specification as being "epoxy-containing olefin polymers" and routinely recites this throughout the Specification and cites examples supporting this position in Specification of Kojima.

The Examiner respectfully disagrees with Applicant's contentions. While it is true that the polymer is referred to as epoxy containing olefin, the label does not fully illustrate the content of the polymer. As stated in the previous Office Action, the

Art Unit: 1751

polymer can contain up to 49.95 weight percent of an "ethylenically unsaturated monomer" which includes methacrylic acids and esters of the acrylic acids i.e. acrylates. Further, the invention can contain separate thermoplastic polymers which also include copolymers of ethylene and esters of acrylic or methacrylic acids.

### **103 Rejections**

8. With respect to the 103 rejections over Kojima, Applicant argues that the Kojima reference fails to teach the crystalline and non-crystalline aspects of the polymer and that Kojima does not teach, suggest or describe an acrylic based composition.

The Examiner respectfully disagrees with Applicant's contentions. As discussed in the previous Office Action and above, the polymer does contain a significant percentage of acrylic based monomers in the polymer. Further, it is notoriously well known in the art that the physical properties (e.g., crystallinity) of a polymer can be tailored depending on the selection of monomers that comprise the polymer and, due to the ranges of monomer content taught by the reference, such tailoring would be obvious to one of ordinary skill in the art.

### **Conclusion**

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 1751

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 8:30 am to 5:00 pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaison Thomas  
Examiner  
7/9/2007

JT



DOUGLAS MCGINTY  
SUPERVISORY PATENT EXAMINER

1751